

parties. This is wrong. Let's go back and let the Senate be the conscience of the Nation, not a body that reflects some of the worst instincts of our Nation.

I ask unanimous consent that the article to which I refereed be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Sacramento Bee, Mar. 6, 2012]

#### JUSTICE DELAYED AS JUDGE NOMINEES WAIT

Republicans in the U.S. Senate are once again using President Barack Obama's judicial nominations as pawns in their political chess match.

There's even loose talk of putting off votes as long as possible, in hopes that Obama loses in November and the seats can be filled by a Republican president.

That's absurd.

There are too many vacancies on federal courts in California and other states, where there aren't enough judges to handle the caseloads. Too often, justice delayed really is justice denied.

Democratic leader Harry Reid of Nevada is apparently so fed up that he's willing to go to war to get confirmation votes on the Senate floor, Politico reports.

Good for him. The Republicans deserve to be called out on their obstructionism—and their hypocrisy, since they often complain about how slow the federal courts are.

The focus is on 14 qualified nominees who won bipartisan support in the Senate Judiciary Committee, including two from California who were unanimously approved but have been on hold for months.

One is Jacqueline Nguyen of Los Angeles, who was nominated by Obama last September for the 9th U.S. Circuit Court of Appeals and endorsed by the judiciary panel on Dec. 1. The first Vietnamese-American woman to serve as a federal judge, she was 10 when her family fled Vietnam at the end of the war. They started as refugees in Camp Pendleton and made their own version of the American Dream.

The second is Michael Fitzgerald, who was nominated last July for a judgeship in the Central District of California and received committee approval on Nov. 3. A Los Angeles attorney and former federal prosecutor, he would become the first openly gay federal judge in the state and the fourth nationwide.

Both those courts are in an official "judicial emergency" because cases are so backed up.

There are two more recent nominations for 9th Circuit seats that have gone through the Judiciary Committee. Paul Watford, a Los Angeles attorney and former prosecutor, was approved on a 10-6 vote on Feb. 2. Andrew Hurwitz, an Arizona Supreme Court justice, was approved on a 13-5 vote Thursday.

The San Francisco-based 9th Circuit is a particular target for Republicans, who like to rail against what they call its liberal, activist bent. Their delaying tactics succeeded in forcing Goodwin Liu, a highly regarded UC Berkeley law professor who grew up in Sacramento, to withdraw his nomination last July. (Gov. Jerry Brown then nominated him to the California Supreme Court, where Liu now serves.)

It must be said that there are also political advantages for Obama if the delays continue. It would give him more ammunition to campaign against a "do-nothing Congress." Given the ways of Washington, that may be the most likely scenario.

But for those of us in the real world—particularly those seeking justice in the federal courts—it would be far, far better if these qualified jurists could get to work.

Mr. LEAHY. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. Will the Senator suspend?

Mr. LEAHY. Yes.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half.

Mr. LEAHY. Mr. President, unless the Senator from California seeks recognition—

Mrs. BOXER. I do.

Mr. LEAHY. Mr. President, I yield for the Senator from California.

The ACTING PRESIDENT pro tempore. The Senator from California.

#### SURFACE TRANSPORTATION ACT

Mrs. BOXER. Mr. President, I thought I could give Senators and those who may be following this very elongated debate on the highway bill an update as to where we are. We have a managers' package we are hoping to approve momentarily. It is a bipartisan package. We continue to work across the aisle. Under the consent, we want to move forward with that. We had, I believe, a holdup yesterday. We are working to find out why. But we are very hopeful that will move forward. Then we have a series of votes on amendments, beginning at about noon. So at 11:30 or so, we will be back on the bill.

I want to say to my friends on the other side of the aisle and to my friends on this side of the aisle that we are making great progress. This is a jobs bill. This is a major jobs bill. This is the biggest jobs bill.

They passed an IPO bill over there in the House. ERIC CANTOR is saying it is a jobs bill. I do not know how many jobs it will create. It is an investor bill. It is good; I am for it. But it does not come anywhere close to the bill we are working on today. Because on March 31, if we do not act on this transportation bill, everything will come to a screeching halt, if I might use that analogy. Because there will not be a gas tax anymore going into the Federal highway trust fund, there will not be any funds going from the Federal Government to the various planning organizations in all of our States and communities.

All of us know that since the days of President Eisenhower we have had a

national system for roads, bridges, highways, and so on. So we have a lot of work to do here. I want to say, we are very close to the day when everything will stop. So I think we are making great progress.

I know the majority leader and the minority leader talked about finishing this bill today. That means a lot of cooperation because we have to get through about 20 amendments plus a managers' package. I think we can do it. I know we can do it.

Then, frankly, we can actually go home and tell our people we voted on a huge jobs bill. How huge? We are going to protect 1.8 million jobs, and a lot of construction jobs. I have often told people that the unemployment rate among construction workers is way higher than the general population. Our unemployment rate is about 8.3 percent. We have a 15-, 16-, 17-percent unemployment rate among construction workers.

And God bless this President. He has worked so hard on making sure we have set the table for job growth. We have had terrific job growth, but even with those 200,000-plus jobs created last month, construction jobs actually went down.

So we are looking at an industry that is in a great deal of trouble. It is because of the housing market. It is still not stabilized. Until we solve our housing crisis—and, again, the administration and the Congress are trying to do everything to allow people to stay in their homes so we don't keep having defaults, houses on the market, short sales, and all the rest. Once that is behind us, we will see a whole new day for construction. But that day isn't here.

It would be a dereliction of our duty if we fail to pass this bill because we will save 1.8 million jobs. That is how many people are working as a result of our ongoing transportation action. We have to save that. Then because of some very good work done in my home State, particularly in Los Angeles, we have come up with a new way to create an additional 1 million jobs by leveraging a program called the TIFIA Program, transportation infrastructure financing. It means as our State and our local areas pass, say, a sales tax to build transit or roads or highways, we, the Federal Government, can front that money at virtually zero risk and leverage these funds threefold.

In this bill we would be protecting 1.8 million jobs and creating up to 1 million new jobs because of the TIFIA Program. I want to say this bill is a bipartisan effort—hugely bipartisan.

I just talked to Senator INHOFE late last evening. We talked about the fact that we don't want to have it held up anymore. We want to move it through, and we are going to move it through. We are very pleased.

Anyone who follows politics knows Senator INHOFE is one of the most conservative Members of the Senate, and I am one of the most liberal Members of